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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/985,867	11/06/2001	Tom Grason	BS01-111	4484

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EXAMINER
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TRAN, NGHI V

ART UNIT	PAPER NUMBER
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2151

DATE MAILED: 06/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/985,867	GRASON ET AL.	
	Examiner	Art Unit	
	Nghi V. Tran	2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 May 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,2,5-12,15-19,22-31,33-37 and 40-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-12,15-19,22-31,33-37 and 40-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 03, 2006 has been entered.

2. This office action is in response to the amendment filed on May 03, 2006. Claims 1, 5-6, 8, 15, 22, 29, 35, 42, and 45 have been amended. Claims 3-4, 13-14, 20-21, 32, and 38-39 have been canceled. Therefore, claims 1-2, 5-12, 15-19, 22-31, 33-37, and 40-46 are presented for further examination.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1-2, 5-11, 15-19, 22-31, 33-37, 40-46 are rejected under 35

U.S.C. 103(a) as being unpatentable over Parks, U.S. Patent No. 6,596,031 (hereinafter Parks), in view of Dave Winer, "ScriptingNews 2.0b1," [http://my.userland.com/stories/storyReader\\$11](http://my.userland.com/stories/storyReader$11) (hereinafter Dave).

5. With respect to claims 1, 8, 15, 22, 29, 35, 42, and 45, Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising:

- a computer accessible to the reader, the computer having a display device viewable by the reader [212];
- a web browser executing on the computer, the web browser having a graphical user interface [240];
- a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3];
- a selection device used by the reader to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59];
- a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical user interface, and to access a news story data file that contains the data associated with the news story,

wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8, ln.65; and col.19, lns.4-5].

However, Parks does not explicitly show a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story.

In a system for distributing one or more news stories to a reader, Dave suggests or discloses a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story [i.e. scripting news channel that's produced from the RSS-format file, pages 1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by using the RSS files associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to change to reflect the content in the channel [Dave, page 2].

6. With respect to claims 2, 10, 16, 36, and 43, Parks further teaches an authoring tool [201 and 203 i.e. NSML editor and text editor] for generating the news story [fig.2A].

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7. With respect to claim 27, Parks is silent on an XML file comprising a link to the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses an XML file [pgs.5-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because XML-based standard for describing web content other than HTML which is understood by any browser. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to let web sites exchange content summaries and e-commerce data.

8. With respect to claim 28, Parks is silent on the XML file is an RSS file.

In a system for distributing one or more news stories to a reader, Dave discloses the XML file is an RSS file [pgs.1-2].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

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9. With respect to claim 9, Parks further teaches determining the location of the data file comprises the step of determining the location of the data file using a file name of the rendering file [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

10. With respect to claims 11, 17, 24, 31, 37, and 44, Parks further teaches the step of formatting text of the created news story [col.7, ln.13 - col.8, ln.29].

11. With respect to claims 18, 25, and 33, Parks further teaches the authoring tool comprises means to create a link from entered text [fig.2C and col.8, lns.30-56].

12. With respect to claim 19, Parks further teaches means for determining the location of the information data file using a name and a location of the view file [figs.2C-D and col.8, ln.30 - col.9, ln.25].

13. With respect to claims 23 and 30, Parks further teaches editing the information data file prior to approval [col.7, ln.60 - col.8, ln.56].

14. With respect to claim 26, Parks further teaches rolling the information data file out over a computer network [col.7, ln.39 - col.8, ln.66].

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15. With respect to claims 34 and 40, Parks further teaches the application extracts and renders a predetermined number of sentences of the news story data file [col.19, lns.4-5 and figs.2A-D].

16. With respect to claims 41 and 46, Parks further teaches means for determining a location of the information data file from information contained in the link data file [figs.2C-D and col.8, ln.30 - col.9, ln.25]; and mean for rendering the information data file on a computer display in accordance with the rendering instructions [col.6, ln.57 - col.8, ln.65 and col.19, lns.4-5].

17. With respect to claim 5, Parks is silent on the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file.

In a system for distributing one or more news stories to a reader, Dave discloses the RSS file comprises a plurality of links to a plurality of news story rendering files, each news story rendering file associated with a news story data file that can be obtained from information about the news story rendering file [pgs. 1-6].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by adding an XMLfile because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of



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the invention would have been motivated to modify Parks in view of Dave in order to simply scan headlines or brief article summaries and click to read the full text instead of visiting multiple web sites to see what's new.

18. With respect to claim 6, Parks further teaches a web-based authoring tool for allowing a contributor to generate a news story [figs.2A-D].

19. With respect to claim 7, Parks further teaches the authoring tool comprises one or more formatting buttons [figs.2C-D].

20. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Parks in view of Dave as applied to claim 8 above, and further in view of Anuff et al., U.S. Patent No. 6,327,628 (hereinafter Anuff).

21. With respect to claim 12, Parks is silent on generating a rendering file in conformance with JSP.

In a system for distributing one or more news stories to a reader, Anuff discloses generating a rendering file in conformance with JSP [col.4, ln.36].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Park in view of Anuff by generating a rendering file in conformance with JSP because JSP is slightly more advanced environment in performance, session management, error handling, portability, etc. It is

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for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Anuff in order to save such costly operations as opening database connections need to be done only once for many HTTP requests. On the other hand, CGI will startup and initialize the entire state of the CGI program.

### ***Response to Arguments***

22. Applicant's arguments filed May 03, 2006 have been fully considered but they are not persuasive because of the following reasons: Parks teaches a system for distributing one or more news stories to a reader [see abstract and figs.2A-D], comprising: a computer accessible to the reader, the computer having a display device viewable by the reader [212]; a web browser executing on the computer, the web browser having a graphical user interface [240]; a list of titles corresponding to the one or more news stories, the list appearing as a portion of a web page in the graphical user interface [col.8, ln.30 - col.9, ln.3]; a selection device used by the reader to select to select one of the news stories to view [fig.2A and col.6, ln.64 - col.7, ln.59]; a news story rendering application [224 and col. 19, lns.4-5] executing on the computer that uses a file associated with the title of the news story selected by the reader to access a news story rendering file that instructs the web browser how to display data in the graphical user interface, and to access a news story data file that contains the data associated with the news story, wherein the news story data file is rendered so that it is viewable in the graphical user interface in accordance with the instructions in the news story rendering file and the data in the news story data file [figs.2A-D; col.6, ln.57 - col.8,

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ln.65; and col.19, Ins.4-5]. However, Parks does not explicitly show a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story. In a system for distributing one or more news stories to a reader, Dave suggests or discloses a news story rendering application executing on the computer that uses an RSS files associated with the title of the news story [i.e. scripting news channel that's produced from the RSS-format file, pages 1-2]. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by using the RSS files associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to change to reflect the content in the channel [Dave, page 2].

23. In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642F. 2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F. 2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicant obviously attacks references individually without taking into consideration based on the teaching of combinations of references as show in the above.

24. In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by

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combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Parks in view of Dave by using the RSS files associated with the title of the news story because this feature refers to how easy it is for publishers to make their content available to readers. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated to modify Parks in view of Dave in order to change to reflect the content in the channel [Dave, page 2].

25. In response to applicant's argument that Dave actually teaches away from the use of the RSS format. The examiner respectfully does not agree because Dave teaches a way to use of the RSS format, not teaches away from the use of the RSS format. For example, Dave clearly discloses where other formats such as RSS, which we also support [see page 1].

26. Therefore, the examiner asserts that cited prior arts teach or suggest the subject matter broadly recited in independent claims. Claims 1, 8, 15, 22, 29, 35, 42, and 45 are rejected at least by virtue of their dependency on independent claims and by other

reasons set forth above. Accordingly, claims 1-2, 5-12, 15-19, 22-31, 33-37, and 40-46 are respectfully rejected as shown above.

### ***Conclusion***

27. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Nghi V Tran  
Patent Examiner  
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